

### **REMARKS**

Claims 1, 2, 4, 11-14, and 23-26 are rejected. Claims 3 and 26 stand withdrawn. Claims 20-22 are allowed. Applicant thanks the Examiner for allowing Claims 20-22. Claims 1, 20, and 24 have been amended. Support for the amendments can be found throughout the specification, including, Figures 3-6 and Paragraphs [0050]-[0054]. Thus, Claims 1, 2, 4, 11-14, and 23-26 are presented for consideration and further examination in view of the following remarks.

#### **Objections**

The Examiner objects to the specification as allegedly failing to provide proper antecedent basis for the parallel hairs having “a bound end.” Applicant has amended Claims 1, 20, and 24 to now recite an “upper end.” Accordingly, Applicant respectfully submits that the specification provides proper antecedent basis and respectfully requests that the Examiner withdraw the objection.

#### **Claim Rejections – 35 U.S.C. § 102(b)**

The Examiner rejects Claims 1, 2, 4, 11-14, 23-25, and 27 under 35 U.S.C. § 102(b) as allegedly being anticipated by U.S. Patent No. 5,979,462 (“Jones”). Applicant respectfully submits that Jones fails to disclose each of the features of amended independent Claims 1 and 24.

Jones discloses a hair appliance that has a fitted band 10 that encircles the head of the wearer. The fitted band 10 is disclosed as being a “thin string.” Jones, Col. 4, Lines 4-6. The ends of multiple hairtracks 12, 14, 16, 18, 20 are attached to the fitted band 10 so that, when worn, the hairtracks 12, 14, 16, 18, 20 extend from a connection point with the fitted band 10, around the back of the wearer’s head, and to a second connection point with the fitted band 10. As seen in Figure 5, appliance hair 36, 38 extends perpendicularly from hair tracks 16, 18. There is no indication in the specification or figures that appliance hair does not likewise extend perpendicularly from the remaining hairtracks 12, 14, 20.

#### **Independent Claim 1**

Amended independent Claim 1 now recites, among other things, a hair piece “wherein the hair piece is configurable into a folded configuration and an unfolded configuration, wherein the

hair piece is folded along the weaving band so as to overlay the elongated strips with each other in the folded configuration, wherein the free ends of the hair bundles extend in the same direction with respect to each other when the hair piece is in the folded configuration, and wherein the free ends of the hair bundles extend in opposite directions with respect to each other when the hair piece is in the unfolded configuration.” Applicant respectfully submits that Jones fails to disclose at least these features of amended independent Claim 1.

Initially, Applicant respectfully submits that the Jones device is not capable of being “folded along the weaving band.” As discussed above, the fitted band 10 is described as a thin string. Applicant respectfully submits that a weaving band made of a thin string cannot be “folded along” itself as recited in Claim 1.

Additionally, if it were possible to fold the Jones device “along the weaving band,” such a fold would not “overlay” hairtracks 12, 14, 16, 18, 20. Rather, any fold “along the weaving band,” as recited in Claim 1, would result in substantially the same configuration as depicted in Figures 1-4, in which the hairtracks 12, 14, 16, 18, 20 are substantially parallel to each other and do not overlay each other. Accordingly, the Jones device does not disclose “wherein the hair piece is folded along the weaving band so as to overlay the elongated strips with each other in the folded configuration, wherein the free ends of the hair bundles extend in the same direction with respect to each other when the hair piece is in the folded configuration” as recited in Claim 1.

Additionally, even if the Jones device could be “folded along the weaving band” so as to overlay the hairtracks 12, 14, 16, 18, 20, such a configuration would not result in “the free ends of the hair bundles extend[ing] in the same direction with respect to each other” as recited in Claim 1. As the appliance hair extends perpendicularly from the hair tracks, any folded configuration in which any of hairtracks 12, 14, 16, 18, 20 overlay each other would either result in the free ends of the hair extending in opposite directions (if the hairtracks 12, 14, 16, 18, 20 were placed back to back), or in different directions if the face of one of the hairtracks 12, 14, 16, 18, 20 was placed in contact with the back of another of the hairtracks 12, 14, 16, 18, 20 (as the direction of the extension of the hair of the back hairtrack 12, 14, 16, 18, 20 would be affected by the position of the front hairtrack 12, 14, 16, 18, 20). Accordingly, Jones does not disclose “the free ends of the hair bundles extend in the same direction with respect to each other when the hair piece is in the folded configuration” as recited in Claim 1.

Accordingly, Applicant respectfully submits that Jones fails to disclose each and every feature of Claim 1 and requests that the Examiner withdraw the rejection to that claim.

Independent Claim 24

Amended independent Claim 24 now recites, among other things, a hair piece comprising a “weaving band ... comprising one or more strips, said elongated weaving band being configured to fold over to conceal at least one interconnecting knot of basic hair such that the free ends of all the hair bundles extend downward after hair piece installation.” Applicant respectfully submits that Jones fails to disclose at least these features of amended independent Claim 24.

In contrast to the features of Claim 24, the Jones device does not disclose “at least one interconnecting knot of basic hair.” Jones rather discloses a hair piece that is held in place by a fitted band 10. In accordance with this, the personal hair 32, 33 merely passes through hair openings 26, 28, 30, and is not knotted. Accordingly, the Jones device does not disclose “at least one interconnecting knot of basic hair” as recited in Claim 24.

Additionally, even if the Jones device disclosed “at least one interconnecting knot of basic hair,” the Jones device does not disclose an “elongated weaving band being configured to fold over to conceal at least one interconnecting knot of basic hair” as recited in Claim 24. As discussed above, neither the fitted band 10 nor the hairtracks 12, 14, 16, 18, 20 are folded when the Jones hairpiece is being worn. Rather, the fitted band 10 and the hairtracks 12, 14, 16, 18, 20 wrap around the wearers head when the hairpiece is being worn. As none of the fitted band 10 or the hairtracks 12, 14, 16, 18, 20 are folded when the Jones hairpiece is worn, Jones does not disclose an “elongated weaving band being configured to fold over to conceal at least one interconnecting knot of basic hair” as recited in Claim 24.

Accordingly, Applicant respectfully submits that Jones fails to disclose each and every feature of Claim 24 and requests that the Examiner withdraw the rejection to that claim.

Dependent Claims

Claims 2, 4, 11-14, 23, 25, and 27 depend directly or indirectly from one of Claim 1 or Claim 24 and, thus, are patentable for at least the same reasons as the claim from which they

depend is patentable over the applied art. Therefore, allowance of Claims 2, 4, 11-14, 23, 25, and 27 is respectfully requested.

*No Disclaimers or Disavowals*

Although the present communication may include alterations to the application or claims, or characterizations of claim scope or referenced art, Applicant is not conceding in this application that previously pending claims are not patentable over the cited references. Rather, any alterations or characterizations are being made to facilitate expeditious prosecution of this application. Applicant reserves the right to pursue at a later date any previously pending or other broader or narrower claims that capture any subject matter supported by the present disclosure, including subject matter found to be specifically disclaimed herein or by any prior prosecution. Accordingly, reviewers of this or any parent, child or related prosecution history shall not reasonably infer that Applicant has made any disclaimers or disavowals of any subject matter supported by the present application.

**CONCLUSION**

The undersigned has made a good faith effort to respond to all of the noted rejections and to place the claims in condition for immediate allowance. Nevertheless, if any undeveloped issues remain or if an issue requires clarification, the Examiner is respectfully requested to call Applicant's attorney in order to resolve any such issue promptly.

Applicant respectfully traverses each of the Examiner's rejections and each of the Examiner's assertions regarding what the prior art discloses or teaches, even if not expressly discussed herein. Although changes to the claims have been made, no acquiescence or estoppel is or should be implied thereby; such amendments are made only to expedite prosecution of the present application and are without prejudice to the presentation or assertion, in the future, of claims relating to the same or similar subject matter.

Any remarks in support of patentability of one claim should not be imputed to any other claim in this or a related application, even if similar terminology is used. Any remarks referring to only a portion of a claim should not be understood to base patentability on solely that portion; rather, patentability must rest on each claim taken as a whole. Applicant has not presented all

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arguments concerning whether the applied references can be properly combined in view of the clearly missing elements noted above, and Applicant reserves the right to later contest whether a proper reason exists to combine these references.

Co-Pending Applications of Assignee

Applicant wishes to draw the Examiner's attention to the following co-pending applications of the present application's assignee.

Docket No.	Serial No.	Title	Filed
MULLE50.002APC	12/524,857	HAIR PIECE PROVIDED WITH A WAVE-FORM WEAVING BAND	July 28, 2009

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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